

Message Text

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CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

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FROM: LOS DEL

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SUBJECT: OPENING SESSION OF LAW OF THE SEA CONFERENCE (LOS)

1. SUMMARY: (A) THE FIFTH SESSION OF THE 3RD UN CONFERENCE ON LOS OPENED SEVEN WEEK SESSION IN NEW YORK 2 AUGUST WITH GENERAL COMMITTEE MEETING IN A.M. AND PLENARY IN AFTERNOON. ATTEMPT BY CONFERENCE PRESIDENT AMERASINGHE TO HAVE COMMITTEE FOCUS NEGOTIATIONS ON KEY ISSUES WHICH HE IDENTIFIED IN HIS NOTE TO THE CONFERENCE (A/CONF.62/L.12) WAS BLURRED AFTER CHARGES BY SEVERAL STATES THAT THEIR KEY ISSUES WERE NOT INCLUDED. FINAL PLENARY DECISION WAS THAT COMMITTEES THEMSELVES WILL IDENTIFY AND FOCUS ON KEY ISSUES USING PRESIDENT'S NOTES AS GUIDE, DECIDED ON THEIR PRIORITY AND DETERMINE THE MANNER IN WHICH NEGOTIATION SHOULD BE ORGANIZED. (B) MEXICO (CASTANEDA) AS CHAIRMAN OF SPECIAL INTERESTS GROUP OF COASTAL STATES (NUMBERING BETWEEN 60 AND 87) MADE STATEMENT ON THEIR DETERMINATION OF THE NATURE OF

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THE ECONOMIC ZONE AND THE METHOD OF WORK

CONFERENCE SHOULD FOLLOW. (C) IRELAND REPLACES BELGIUM ON GENERAL COMMITTEE; THAILAND REPLACES BANGLADESH ON DRAFTING COMMITTEE. (D) CONFERENCE VP EVENSEN OF NORWAY SELECTED TO ACT AS CONFERENCE PRESIDENT DURING AMERASINGHE'S ABSENCE IN COLOMBO 5-23 AUGUST. (E) GENERAL DEBATE ON SUBSTANCE OF PREAMBLE AND FINAL CLAUSES WILL BE DELAYED UNTIL CONFERENCE PRODUCES RESULTS OF NEGOTIATIONS. (F) PART IV OF REVISED SINGLE NEGOTIATED TEXT (RSNT) ON DISPUTE SETTLEMENT WAS RULED TO HAVE SINGLE NEGOTIATED TEXT STATUS ONLY (SNT) . RATHER THAN REVISED SNT. INFORMAL PLENARY DEBATE ON PART IV BEGINS 3. AUGUST TO BRING STATUS UP TO LEVEL OF OTHER TEXTS. END SUMMARY.

2. GENERAL COMMITTEE MET A.M. 2 AUGUST AND CONFERENCE PRESIDENT (AMERASINGHE) FIRST ADDRESSED QUESTION OF ORGANIZATION OF NEGOTIATIONS TO PRODUCE FINAL TEXT THIS SESSION OR AT LEAST PROGRESS TO POINT WHERE ONE FURTHER SESSION CAN FINISH. OTHERWISE, AMERASINGHE SAID, HE FEARS OPPORTUNITY FOR TREATY WILL BE LOST. HE FOCUSED ON IDENTIFICATION OF KEY ISSUES AS SPELLED OUT IN HIS NOTE TO CONFERENCE (A/CONF.62/L.12), AND ORGANIZATION OF NEGOTIATING GROUPS WHICH, HE SAID, SHOULD BE COMPOSED OF THOSE DELEGATIONS CLOSEST TO THE ISSUES AND SMALL ENOUGH TO PROCEED IN "WORKMAN-LIKE" FASHION. HE EMPHASIZED NEED FOR REGULAR MEETINGS OF COMMITTEE OF WHOLE TO ENSURE ALL DELEGATES ARE INFORMED OF PROGRESS OF NEGOTIATIONS. AMERASINGHE IMMEDIATELY AMENDED PARAS. 15 AND 16 OF HIS NOTE TO INCLUDE CLOSE CONSULTATION WITH CHAIRMAN OF COMMITTEE 3 IN NEGOTIATING COASTAL STATE'S POWERS IN ECONOMIC ZONE AND IN THE INTERNATIONAL SEA-BED AUTHORITY (ISRA) ON MARINE POLLUTION, SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY.

3. AMERASINGHE'S PLAN WAS OBJECTED TO BY TURKEY, EGYPT, AND TUNISIA FOR ITS FAILURE TO INCLUDE ISSUES SOME STATES CONSIDERED VITAL. THESE OBJECTIONS, PLUS OTHERS EXPRESSED BY (I.A) YEMEN, TANZANIA, ECUADOR AND GUATEMALA IN PLENARY CAUSED AMERASINGHE TO RULE IN AFTERNOON THAT (A) COMMITTEES THEMSELVES WILL IDENTIFY THE KEY ISSUES AND FOCUS ON THEM USING HIS NOTE AS GUIDE, AND (B) COMMITTEES WILL DECIDE THE ORDER OF PRIORITY OF ISSUES AND DECIDE THEMSELVES HOW NEGOTIATIONS SHOULD BE ORGANIZED.

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4. CASTANEDA OF MEXICO, AS CHAIRMAN OF COASTAL STATES SPECIAL INTEREST GROUP ON ECONOMIC ZONE, MADE STATEMENT OF GROUP'S POSITION ON NATURE OF ZONE AND METHOD OF WORK CONFERENCE SHOULD FOLLOW. CASTANEDA SAID THIS GROUP OF 60 STATES MET IN NEW YORK 29 AND 30 JULY AND, NOW NUMBERING ABOUT 87, WOULD MEET FREQUENTLY THROUGHOUT CONFERENCE. MAIN POINTS OF STATEMENT, WHICH DID NOT ADDRESS COMMITTEE I AT

ALL, INCLUDED: (A) THIS SESSION SHOULD BE ACTION ORIENTED AND NOT ARTICLE BY ARTICLE REVIEW; (B) FULL DEBATE ON PART IV IN PLENARY; (C) IDENTIFICATION OF KEY ISSUES BY COMMITTEES II AND III WITH 2 DAYS AND INFORMAL NEGOTIATIONS AT COMMITTEE LEVEL TO PRODUCE RESULTS WITHIN 3 OR 4 WEEKS. ANY ACTION THEREAFTER WOULD BE AT COMMITTEE LEVEL ONLY AND WOULD NOT PREJUDGE WORK IN COMMITTEE I. QUOTE. RELATIVE DELAY IN NEGOTIATION ON SOME ISSUES SHOULD NOT PREVENT EFFORTS TO REACH EARLIER AGREEMENT ON OTHERS. THE INTEGRATION OF DIFFERENT PARTS OF THE TEXT WILL HAVE TO BE MADE AT A LATER STAGE AND EVENTUAL ACTION OF THE COMPLETE PACKAGE SHOULD BE TAKEN BY PLENARY. UNQUOTE. THE GROUP IS COMMITTED TO THE GLOBAL PACKAGE APPROACH.

5. PERU ADDED LATER THAT IT WAS THE MAJORITY VIEW OF THIS GROUP THAT THE EXCLUSIVE ECONOMIC ZONE WAS NOT HIGH SEAS BUT SUI GENERIS AND COASTAL STATE JURISDICTION COULD EXTEND, WITH THE MARGIN, BEYOND 200 MILES. U.S. (OXMAN), STATED THAT PERU'S VIEWS COULD NOT FORM BASIS FOR WIDESPREAD AGREEMENT. OXMAN ADDED THAT LIST OF KEY ISSUES WAS ACTUALLY NARROWER THAN NOTED BY AMERASINGHE IN L.12 AND CONFERENCE SHOULD AVOID UNRAVELING BROADLY ACCEPTABLE ARTICLES. SOVS SAID AMERASINGHE'S PAPER WAS GENERALLY ACCEPTABLE. IN CLEAR REFERENCE TO COASTAL STATE'S POSITION AS STATED BY CASTENADA SOVS SAID CONF MUST REMEMBER THAT TO SUCCEED THE TREATY MUST BE ACCEPTABLE TO ALL. POLAND ADDED THAT DESPITE NUMERICAL SIZE GROUPS STILL MUST BE WILLING TO NEGOTIATE AND NOT DICTATE.

6. IN OTHER PLENARY DECISIONS (A) IN ACCORDANCE WITH EARLIER CONFERENCE AGREEMENT IRELAND REPLACES BELGIUM ON GENERAL COMMITTEE AND THAILAND REPLACES BANGLADESH ON DRAFTING COMMITTEE: (B) MINISTER EVENSEN, A CONFERENCE VP, UNCLASSIFIED

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WAS SELECTED TO ACT AS CONFERENCE PRESIDENT DURING AMERASINGHE'S ABSENCE IN COLOMBO 5 - 23 AUGUST. AMERASINGHE SAID HIS PRESENCE AT OTHER CONFERENCE IN SRI LANKA WAS REQUIRED BY HIS GOVERNMENT; (C) THE PREAMBLE AND FINAL CLAUSES COULD BE DIVIDED INTO TWO PARTS: THE FORMAL AND TECHNICAL FORMAT WHICH CAN BE ADDRESSED BY THE SECRETARIAT, AND THE SUBSTANTIVE MATTERS SUCH AS RESERVATIONS AND ENTRY INTO FORCE WHICH SHOULD NOT BE DEBATED UNTIL CONFERENCE SEES RESULTS OF NEGOTIATIONS; (D) PART IV ON DISPUTE SETTLEMENT DOES NOT HAVE SAME STATUS AS REST OF RSNT, SINCE IT HAS NOT UNDERGONE ARTICLE BY ARTICLE DEBATE. AMERASINGHE CLARIFIED POINT THAT DEBATE ON CDS SHOULD NOT BE A GENERAL DEBATE BUT SHOULD FOCUS ON SPECIFIC TOPICS. TUNISIA SPOKE OF THE NEED FOR A VIABLE, GENERAL AND OBLIGATORY DISPUTE SETTLEMENT CHAPTER AND PROPOSED A WORKING GROUP TO REVIEW

THE QUESTION AND DEVELOP A DOCUMENT REFLECTING THE
MAIN TRENDS. COMMENT: REFERENCE TO MAIN TRENDS WAS NOT
RPT. NOT SUBJECT OF COMMENT BY OTHERS AND HOPEFULLY DOES
NOT RPT. NOT REFER TO RETROGRESSIVE STEP OF DEVELOPING PAPER
IN NATURE OF 1974 COMMITTEE II MAIN TRENDS PAPER END
COMMENT. INFORMAL PLENARY SESSION MEETS ON PART IV A.M.
3 AUGUST
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